

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Input Required for FCC Report Mandated |) | WT Docket No. 05-157 |
| by the Intelligence Reform and Terrorism |) | |
| Prevention Act of 2004 |) | |
| |) | |
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TO: The Commission

**COMMENTS OF NATIONAL ASSOCIATION OF
MANUFACTURERS AND MRFAC, INC.**

The National Association of Manufacturers (“the NAM”) and MRFAC, Inc. (“MRFAC”) (collectively, “NAM/MRFAC”), by their counsel, hereby submit their comments on certain aspects of the Public Notice (“Notice”), FCC 05-80, released March 29, 2005, in the above-captioned proceeding.

Introduction

The National Association of Manufacturers is the nation’s largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states. Headquartered in Washington, D.C., the NAM has 10 additional offices across the country.¹ The NAM’s mission is to enhance the competitiveness of manufacturers by fostering a legislative and regulatory environment conducive to U.S. economic growth. In addition, the NAM strives to increase understanding among policymakers, the media and the general public about the vital role of manufacturing to America’s economic future and living standards.

¹ See www.nam.org for more information about manufacturing and the economy.

MRFAC is one of the Commission's certified frequency coordinators for the private land mobile bands from 30 to 900 MHz. MRFAC began its operations over 25 years ago as the frequency coordinating arm for the NAM. For the past two decades, MRFAC has operated independently, providing coordination and licensing-related services for manufacturers and other industrial/business entities. MRFAC has long participated in spectrum rulemakings affecting the interests of manufacturers.

Background

Title VII of the Intelligence Reform and Terrorism Prevention Act of 2004 ("Intelligence Reform Act" or "Act"), signed into law on December 17, 2004, requires the Commission to conduct a study to determine whether an additional allocation of 700 MHz spectrum should be granted by Congress to emergency response providers.² The Notice seeks comment regarding the need for, and operation and administration of, a potential nationwide interoperable broadband mobile communications network. The Act defines "interoperable communications" as "the ability of emergency response providers and relevant Federal, State, and local government agencies to communicate with each other as necessary, through a dedicated public safety network."³ The Notice seeks input from emergency response providers and other interested parties on a variety of issues to aid the Commission's study, and encourages commenters to address whether or not Congress should provide an additional allocation of spectrum in the 700 MHz band for emergency response provider communications.

² Pub. L. 108-458, 118 Stat. 3638 (2004).

³ Intelligence Reform Act, § 7303(g)(1), 118 Stat. at 3845.

Discussion

Due to the nature of manufacturing processes and the materials used in those processes (some of which may be hazardous), many manufacturers maintain extensive emergency medical, fire, and security response capabilities. These capabilities are relied upon by many communities around the U.S. Local municipalities and manufacturers often enter into mutual aid agreements, the terms of which provide, among other things, for equipment and/or personnel as first responders, or as support for first responders, in local emergencies. As discussed below, the first responder category goes well beyond traditional public safety organizations. It includes numerous manufacturers and other industrial entities which serve as first responders for their local communities pursuant to mutual aid agreements.

Many communities, particularly those which are smaller or in rural areas, rely on the expertise and resources of nearby manufacturers during local emergencies. For example, Channel Industries Mutual Aid ("CIMA") is a non-profit organization combining the fire-fighting, rescue, hazardous material ("HAZMAT"), and emergency medical capabilities of the chemical industry in the Houston Ship Channel area, which has one of the largest concentrations of chemical plants in the world. Since 1955, this organization has provided cooperative assistance and expertise to numerous communities along the Channel. CIMA maintains agreements with other mutual aid organizations along the Texas/Louisiana coast, including many industrial entities, to provide emergency response during major incidents. Among other things, CIMA coordinates response personnel from the various member companies via sophisticated command vehicles and a radio system with a coverage range of 500 square miles.

Similarly, Caterpillar, Inc. ("Caterpillar") maintains a Corporate Security division which includes a fire department recognized by the State of Illinois Fire Marshall's office. Caterpillar

personnel are trained and equipped to handle virtually any emergency, including HAZMAT incidents, emergency medical, and confined space or high angle rescue. Caterpillar's equipment includes a fleet of fire engines as well as HAZMAT trailers. Caterpillar has mutual aid agreements with six regions within the State of Illinois. Corporate Security operates in no fewer than 40 separate Caterpillar facilities and includes approximately 250 uniformed security officers. Caterpillar's first responder teams operate in the 450, 800 and 900 MHz bands.

Caterpillar has provided direct and indirect assistance to numerous local fire and police departments in the vicinity of Caterpillar's plants, such as its heavy earth-moving equipment plant in Peoria. Since 9/11, Caterpillar personnel have also provided support to Peoria public safety officials in the investigation of suspected bioterrorism incidents.

Toyota Motor Manufacturing Kentucky Inc. ("Toyota") has provided first responder units for incidents near its Georgetown, Kentucky, plants, such as traffic accidents involving serious injury. Toyota's fire and ambulance services operate in the 800 MHz band for communication with local public safety. Toyota is planning to implement a common talk group to enhance two-way communications between Toyota and local public safety authorities.

The Coors Brewing Company ("CBC") has plants in Golden, Colorado, Memphis, Tennessee, and Elkton, Virginia. All three locations train and maintain their own first responder teams. For instance, the Golden plant has approximately 6,000 employees and over 65 radio-equipped personnel dedicated to environmental safety and health, first aid, HAZMAT, and security. These radios operate on a 15 channel 900 MHz system. CBC's Memphis plant emergency response operates on radios on a 900 MHz trunked radio system with five channels. The Elkton plant utilizes five 450 MHz repeaters.

Logan Aluminum, Inc. (“Logan”), a manufacturer of aluminum sheet products located in Logan County, Kentucky, has 69 fire fighters and 72 emergency medical technicians. Logan currently has in place a mutual aid agreement with the town of Lewisburg, Kentucky, to provide needed emergency response support. In the past, Logan has assisted with several house fires near the plant and a gas tank fire by providing critical foam equipment. Logan assigns approximately 50 radios and 26 pagers to its first responder personnel. These radios operate in the 450-470 MHz band.

The Boeing Company (“Boeing”), the world’s largest manufacturer of commercial aircraft and a leading satellite and defense contractor, holds numerous FCC licenses used extensively for private internal communications. Most of Boeing’s FCC licenses are in Washington State, although Boeing also has radio systems in other states such as California, Oregon, Texas, Kansas, Missouri, Alabama, and Montana. Boeing uses its Business and Industrial/Land Transportation (“B/ILT”) licenses to provide specialized and critical safety and productivity functions for its workforce of over 160,000 people, for applications such as security, fire and medical emergency services, research and development, and manufacturing support.

Boeing has entered into several mutual aid agreements with local public safety entities. Under these cooperative agreements, Boeing supplements local public safety entities by serving as the first responder to public safety emergencies occurring near Boeing’s operations. For example, Boeing’s mutual aid agreements were utilized during the Seattle, Washington earthquake of February 2001 and during the Wichita, Kansas tornado of May 1999, where Boeing provided first responder public safety services to affected communities.

Raytheon Company (“Raytheon”), an industry leader in electronics, space, information technology, technical services, and business aviation and special mission aircraft, maintains a

fire/emergency organization at most of its plants. These organizations respond to fires, medical problems, explosions, and chemical spills. For example, Raytheon's Tucson plant, which employs approximately 10,000 people, has mutual aid agreements with the National Guard and the local Air Force Base, as well as the offices of the County Sheriff, Police, Fire and the Red Cross. Raytheon designates approximately 100 personnel at its Tucson site alone for emergency response. These personnel also work and train with local airport officials and neighborhood emergency services. Raytheon employs a 900 MHz trunked Motorola radio system and supports approximately 1,000 radios, with plans to increase the count to 2,000.

The above examples are typical of the kinds of public safety support provided by a wide range of manufacturers. These manufacturers provide essential first responder services in their local communities. These and other companies currently operate PLMR systems in the 150, 450, 800 and/or 900 MHz bands. As the Commission formulates its recommendations to Congress it is critical that the important public safety role of manufacturers and other industrial entities be recognized. Accordingly, should the Commission recommend an additional allocation to the 700 MHz band for public safety, manufacturer and industrial first responders should be assured of eligibility for such licenses, whether under the umbrella of local public safety agencies or otherwise. Failure to include such provision could preclude the ability to extend mutual aid agreements to these frequencies, thus hinder the aid that manufacturers might otherwise be able to provide their communities.

In recent years, public safety has received a 50 MHz allocation at 4.9 GHz and a 24 MHz allocation in the 700 MHz band. However, there have been significant difficulties with the implementation of this spectrum, particularly the 700 MHz piece, due to the slow pace of DTV conversion, but also the lack of widely available and affordable public safety equipment in the

4.9 GHz band. The Commission's report should take the difficulties with these spectrum allocations into account in its recommendations; moreover, it should seek to avoid allocating more spectrum to public safety that is burdened in similar ways. The timing for this report may be particularly opportune inasmuch as Congress may take up DTV legislation this session.

The Commission should also address the lack of funding which has hampered public safety implementation of new spectrum-efficient technologies and solutions. In particular, the Commission should consider including in its report recommendations for increased Congressional funding for implementation of advanced public safety solutions.

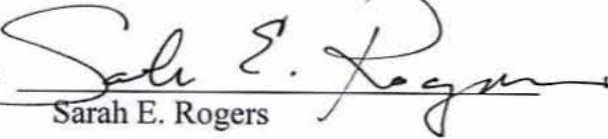
Finally, it is of course important that the Commission continue to coordinate closely with the NTIA as the representative of the Department of Homeland Security ("DHS"). While the law requires consultation with DHS, NAM/MRFAC would urge the Commission to secure such input as the Commission formulates its recommendations, rather than waiting until the process is essentially complete.

Conclusion

In the event the Commission should determine to recommend additional, available spectrum for public safety use, it should carefully consider how to integrate manufacturers and other industrial entities which serve important public safety roles into the overall plan so as to avoid disruption to long-established mutual aid agreements.

Respectfully submitted,

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